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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 03654.0250.CNUS02  
First Inventor DAWSON  
Title Topical Treatment or Prevention of Ocular Infections  
Express Mail

## APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Assistant commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☐ Fee Transmittal Form (PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 30 ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross reference to Related Applications
  - Statement Regarding Fed Sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ☐ ]
5. ☒ Oath or Declaration [Total Pages 3 ]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuational divisional with Box 17 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Other: .....

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

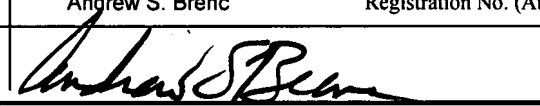
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/346,923  
Prior application information: Examiner E. Peselev Group I Art Unit: 1623

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 22930 or ☒ Correspondence address below

|         |   |           |              |          |              |
|---------|---|-----------|--------------|----------|--------------|
| Name    | Andrew S. Brenc   |           |              |          |              |
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| Country | U.S.  | Telephone | 202-783-0800 | Fax      | 202-383-6610 |

|                   |  |                                   |                  |
|-------------------|--|-----------------------------------|------------------|
| NAME (Print/Type) | Andrew S. Brenc  | Registration No. (Attorney/Agent) | 45,534           |
| Signature         |  | Date                              | January 24, 2001 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**HOWREY SIMON ARNOLD & WHITE, LLP**

Box No. 34

1299 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2402

(202) 783-0800

Attorney Docket No. 03654.0250.CNUS02

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventors: Chandler R. DAWSON *et al.*

For: Topical Treatment or Prevention of Ocular Infections

Enclosed are:

- \_\_\_\_\_ sheets of informal drawings.
- An assignment of the invention to \_\_\_\_\_
- A certified copy of a \_\_\_\_\_ application.
- A verified statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
- ☒ Copy of Combined Declaration and Power of Attorney from prior application no. 09/346,923.
- Executed Declaration for Patent Application.

The filing fee has been calculated as shown below:

|   | (Col. 1)  | (Col. 2)  |
|---|-----------|-----------|
| FOR   | NO. FILED | NO. EXTRA |
| BASIC FEE   |           |           |
| TOTAL CLAIMS  | 50 -20 =  | 30        |
| INDEP. CLAIMS   | 5 -3 =    | 2         |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED |           |           |

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

| SMALL ENTITY |           |
|--------------|-----------|
| RATE         | FEE       |
|              | \$ 355.00 |
| x 9 =        |           |
| x 40 =       |           |
| + 135 =      |           |
| TOTAL        |           |

| OTHER THAN A<br>SMALL ENTITY |            |
|------------------------------|------------|
| RATE                         | FEE        |
|                              | \$710.00   |
| x 18 =                       | 540.00     |
| x 80 =                       | 160.00     |
| + 270 =                      |            |
| TOTAL                        | \$1,410.00 |

Please charge my Deposit Account No. 08-3038 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.

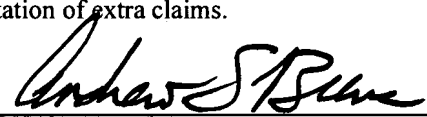
Please charge my credit card in the amount of \$\_\_\_\_\_. A form PTO-2038, Credit Card Payment Form is attached in duplicate.

☒ A check in the amount of \$1,410.00 to cover the basic filing fee and excess claims fee is enclosed.☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-3038 referencing docket number 03654.0250.CNUS02. A duplicate copy of this sheet is attached.☒ Any additional filing fees required under 37 CFR 1.16.☒ Any patent application processing fees under 37 CFR 1.17.The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 08-3038 referencing docket number \*. A duplicate copy of this sheet is enclosed.

Any patent application processing fees under 37 CFR 1.17

The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Date January 24, 2001  
Andrew S. Brenc (Reg. No. 45,534)

January 24, 2001

**Box Patent Application**

Commissioner for Patents  
Washington, D.C. 20231

Re: New U.S. Non-Provisional Utility Patent Application  
Appl. No. (to be assigned); Filed: (herewith)  
Continuation of U.S. Appl. No. 09/346,923, filed: July 2, 1999  
For: **Topical Treatment or Prevention of Ocular Infections**  
Inventors: Chandler R. Dawson *et al.*  
Our Ref: 03654.0250.CNUS02



Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a continuation application of prior Appl. No. 09/346,923, consisting of the following documents:

1. Utility Patent Application Transmittal Form PTO/SB/05;
2. Form PTO-1082 (in duplicate);
3. U.S. Utility Patent Application, entitled:

**Topical Treatment or Prevention of Ocular Infections**

and naming as inventor(s):

Chandler R. DAWSON and Lyle M. BOWMAN

the application comprising:

- a. The specification containing:
  - (i) 22 pages of description prior to the claims;
  - (ii) 7 pages of claims (44 claims); and

09/346,923-01401

Commissioner for Patents  
January 24, 2001  
Page 2

(iii) 1 page abstract;

4. Copy of the executed combined inventors' Declaration and Power of Attorney from prior application no. 09/346,923;
5. A Preliminary Amendment;
6. Two (2) return postcards; and
7. Our Check No. 344879 for \$1,410.00 to cover:

\$ 710.00 Filing fee for patent application

\$ 700.00 Fee for excess claims.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Respectfully submitted,



Andrew S. Brenc (Reg. No. 45,534)

Enclosures

09/346,923-012401